

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BELCAN ENGINEERS,

Plaintiff,

v.

MOHAMMED KARWASH,

Defendant.

No. C 09-02891 (EDL)

ORDER GRANTING PLAINTIFF'S  
UNOPPOSED MOTION FOR LEAVE TO  
AMEND COMPLAINT

Plaintiff Belcan Engineers filed a Motion for Leave to File an Amended Complaint. Defendant has filed a Statement of Non-Opposition, and requests a thirty-day extension to file a responsive pleading to Plaintiff's Amended Complaint, as well as a corresponding thirty-day extension to file any cross-complaints that may be deemed necessary.

A party's right to amend his or her pleadings is generally governed by Rule 15(a) of the Federal Rules of Civil Procedure, which provides in relevant part:

(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one

to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e) or (f), whichever is earlier. (2) Other Amendments. In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

Fed. R. Civ. P. 15(a).

In Foman v. Davis, 371 U.S. 178, 182 (1962), the Supreme Court declared that the requirement of Rule 15(a) that leave to amend shall be freely given when justice so requires "is to be heeded." The Ninth Circuit has directed district courts to apply the rule favoring amendments to pleadings with "extreme liberality." DCD Programs, Ltd. v. Leighton, 833 F.2d 183,186 (9th Cir. 1987).

Plaintiff seeks to amend his complaint to add causes of action for contributory and vicarious copyright infringement, unfair competition, violation of moral rights, unjust enrichment, fraudulent misrepresentation, unfair business practices, tortious interference with prospective economic advantage, misappropriation of ideas, conspiracy and punitive damages. Mot. 2:12-2:15. Plaintiff also seeks to add defendants Tom Linn dba Tom Linn Drafting & Design ("Linn"), Jose Jimenez dba J&M Design, Wiley R. Chitwood, Hassan C. Ibrahim, Southway Engineering & Construction, and Does 1 through 50. Id. at 2:17-20. Plaintiff claims that these amendments are based on new information contained in recently produced documents. Id. at 2:20-22. Defendant does not oppose the motion.

Having reviewed Plaintiff's motion, and in light of the liberal standard for granting leave to amend, Plaintiff's Motion for Leave to File Amended Complaint is GRANTED without the need for oral argument. Plaintiff's First Amended Complaint, attached as Exhibit 1 to Plaintiff's Motion, shall serve as the operative complaint in this matter. Defendant is granted thirty days from the date of this Order to file a responsive pleading and any cross complaints that may be deemed necessary.

IT IS SO ORDERED.

DATED: July 20, 2010

  
ELIZABETH D. LAPORTE  
United States Magistrate Judge